



NATIONAL ARCHIVES and RECORDS ADMINISTRATION
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June 18, 2020 — Sent via email

Anthony Infanti
ainfanti19@gmail.com

Re: Case No. 20-2556

Dear Mr. Infanti:

This responds to your May 31, 2020 request to the Office of Government Information Services (OGIS), which we received via email. We assist the public and Federal agencies by helping them resolve their FOIA disputes, and by addressing their questions and concerns about the FOIA process. OGIS has no investigatory or enforcement power, nor can we compel an agency to release documents. Instead, OGIS provides information to FOIA requesters and Federal agencies to increase understanding and resolve disputes.

We carefully reviewed your submission of information and we understand you requested from the U.S. Citizenship and Immigration Services (USCIS) records concerning Hristo Ivanov. USCIS informed you that at least a portion of your request could not be processed because the agency does not have the technology available to reproduce or process Gray Audiograph Discs. You dispute this response and submitted an administrative appeal describing your willingness to incur the costs to secure the technology necessary to process this record under the FOIA. USCIS affirmed their initial response.

OGIS contacted USCIS FOIA officials to inquire about your request and the agency's response. According to USCIS FOIA officials, the agency is firm in its position that the audiograph disc you seek must be withheld. USCIS explained that the agency does not maintain the technology to process audiograph records, and the FOIA does not require agencies to obtain equipment solely to process FOIA requests for records that are in particular formats. Because USCIS does not have the technology to review the responsive audiograph disc for exempt information, the agency will withhold the record you seek.

Although this may not be the outcome you anticipated, we hope that this information is useful. Thank you for bringing this matter to OGIS. At this time, it appears that there is no further assistance OGIS can offer and we will close your case. If you have questions or concerns that we have not addressed, please contact us again.

Sincerely,
The OGIS Staff